

## **REMARKS**

Reconsideration of this application, and the rejection of claims 6-15 are respectfully requested. Applicants have attempted to address every objection and ground for rejection in the Office Action dated November 29, 2004 (Paper No. 11222004) and believe the application is now in condition for allowance. The claims have been amended to more clearly describe the present invention.

Applicants acknowledge the allowance of claims 1-5 and 17-20.

In the drawings, in FIG. 4, the lead line for reference number 118 has been corrected to point to the jaw mount block, reference number 115 has been added to FIG. 6 to refer to the fastener shown in FIG. 4 as 116, and FIG. 4 has been corrected to show the correct orientation of the jaw mount aperture 116. Also, reference numbers 108, 110 have been added to FIG. 6. Applicants respectfully submit that no new matter has been entered.

In the specification, on page 11, lines 10-13, the phrase "as is known in the art" refers to the use of washers and locknuts to hold a spring-loaded shaft in position. The reference numbers 108 and 110 have been added to FIG. 6 for consistency.

Claims 6-15 stand rejected under 35 U.S.C. §112 as failing to comply with the enabling requirement. The Examiner has quoted from the application on page 11, lines 15-17. The structure depicted in FIG. 6 is also discussed on page 12, lines 17-22 and page 13, lines 1-2. In the specification, the reference number 89 in FIG. 6 has been identified with the axis of rotation of the jaw mount support 88 relative to the support

block 78. It will be seen that if left to freely pivot, the jaw mount support 88 would move in the counterclockwise direction about pivot axis 89, which is toward the rail and in the direction of travel of the machine (to the right in FIG. 6).

The spring rod 102 is provided to control this pivoting action, and to return the jaw mount support 88 to the operational position shown in FIG. 6 after impact with an obstruction as the machine is moved along the rail from one work location to another (specification, page 12, lines 17-22). The compression spring 106, which is part of the spring rod 102, presses at a lower end against the jaw mount support 88 and at an upper end against the weldment 114. The locknuts 110 hold the shaft 104 in the weldment 114 against this biasing force. The spring rod 102 thus resists upward pivoting action by the jaw mount support about the pivot point 89. While the machine is moving, impact with an obstacle would force the jaw mount support 88 in an upward pivot direction reverse to that of the arrow 'F' in FIG. 6. Upon such impact, the compression spring 106 would compress to accommodate the obstacle, then return to the operational position shown in FIG. 6, in doing so biasing the jaw mount support in the direction of travel and towards the rail. Thus, the spring rod 102 does not push the jaw mount support any further towards the rail or direction of travel from the position shown in FIG. 6, but, as is clearly shown in FIG. 6 and described in the specification, biases the jaw mount support to an operational position to accommodate obstacles encountered during transport. Addressing the Examiner's question, as recited in the specification the spring rod 102 biases the jaw mount support in that direction, but only moves the support in that direction when

recovering from an impact, and returning the jaw mount support to the operational position shown in FIG. 6.

Claims 6-15 stand rejected under 35 U.S.C. §101 as being inoperative. In view of the language of the specification and the drawings as filed, and further in view of the above discussion, Applicants respectfully submit that it would be clear to a person of ordinary skill in the art how the spring rod operates. Accordingly, the rejection based on Section 101 is respectfully traversed.

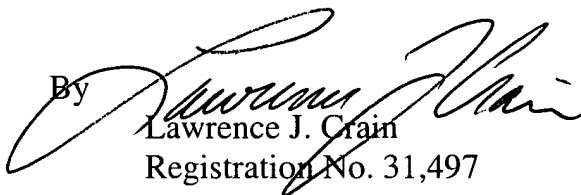
Claims 11 and 15 stand rejected under 35 U.S.C. §102 (b) as being anticipated by Woolner (US 4,273,052). In FIGs. 6 and 7, Woolner discloses spike holding jaws 80 which are biased away from a work position by springs 86 (See Col. 6, lines 46-47). The air cylinder 83 works against the springs 86 and forces the jaws downward. Thus, Woolner fails to include a pivotable jaw mount as well as biased fastener gripping jaws.

Accordingly, as amended, claim 11 includes features of canceled claims 13 and 14 and recites, among other things, that the fastener holder includes a jaw mount support pivotable on an axis transverse to the direction of travel and is biased to an operational position; and the fastener holder further includes a pair of reciprocating fastener holding jaws mounted to the jaw mount support for holding a fastener. Claim 15 has been amended to be consistent with amended claim 11. In view of the lack, in Woolner of structure now recited in claim 11, the rejection based on Woolner is respectfully traversed.

Applicants submit that in view of the above-identified amendments and remarks, the claims in their present form are patentably distinct over the art of record. Allowance of the rejected claims is respectfully requested. Should the Examiner discover there are remaining issues which may be resolved by a telephone interview, he is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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IN THE DRAWINGS:

A revised FIG. 4 is attached with a corrected lead line for reference 118. A revised FIG. 6 is attached in which reference numbers 88, 108, 110 and 115 have been added.